

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2078 OF 2014
IN
WRIT PETITION NO. 6327 OF 2013**

Rosy B. Louis ..Applicant

Vs.

Connel James Pereira & Ors. ..Respondents

....
Mr. Kevin Chettiar, Advocate for Applicant.
Mr. Samir Jagtap, Advocate for Respondents.
....

**CORAM : N.M. JAMDAR, J.
DATED : 31 MARCH 2015**

P.C.:

By this application, the applicant seeks clarification and recall of the order dated 25 July 2013 as regard direction to deposit the arrears of rent.

2. By the order dated 25 July 2013, the writ petition filed by the applicant was disposed of. The writ petition arose from rejection of the application for condonation of delay in filing the appeal filed by the applicant. While disposing of the petition and allowing the application for condonation of delay, the learned Single Judge put the applicant to condition that the applicant will

pay arrears and rent of Rs.1,43,725/- on the date of filing of suit till date. The applicant deposited the amount of Rs.1,43,725/-, however has not deposited the other arrears. The learned Counsel for the applicant submits that there is no guidance in this order as to how the other arrears are to be arrived at and therefore the amount is not deposited. It is clarified that the other arrears of rent as directed by the order dated 25 July 2013 will be calculated adopting the same criteria by which the amount of Rs.1,43,725/- was arrived at.

3. It will be open to the applicant to calculate the amount and other arrears accordingly and deposit the same before the Appeal Bench. It will be open to the respondent to point out the correctness of the deposit so made.

4. There is no question of recall of the order dated 25 July 2013 as the application is allowed on the condition of depositing the arrears and this condition is the integral part of the order.

5. Civil Application is accordingly disposed of in the above terms.

[N.M. JAMDAR, J.]